

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:18-CV-00586-RJC-DSC**

JANE DOE,)	PLAINTIFF'S OPPOSITION TO DEFENDANTS CITY OF CHARLOTTE & BRADLEY LEAK'S MOTION FOR TRIAL TRANSCRIPT REDACTIONS
)	
Plaintiff,)	
)	
v.)	
)	
CHARLOTTE-MECKLENBURG BOARD OF EDUCATION, <i>et al.</i>,)	
)	
Defendants.)	
)	

Plaintiff Jane Doe (“Ms. Doe”), by and through undersigned counsel, hereby opposes the joint motion filed by Defendants City of Charlotte (City) and Bradley Leak requesting trial transcript redactions to the extent these requests go above and beyond the minimum required to protect Defendant Leak’s information protected by N.C. Gen. Stat. § 160A-168. (ECF No. 331.) Defendants City and Leak have not offered this Court reasoning to accept the redactions beyond the limitations agreed upon by Ms. Doe, which would ensure the public has significant information except for what is directly protected under N.C. Gen. Stat. § 160A-168.

On March 28, 2023, counsel for Defendants City and Leak provided the attached transcript showing requested redactions in yellow and seeking Plaintiff Doe’s consent to the same. *See Attachment 1* (highlighted transcripts). On March 29, 2023, counsel for Plaintiff Doe replied by sending the same transcript back with pink highlights showing where the parties had reached agreement, but otherwise arguing the remaining yellow highlighted redaction requests went above and beyond what is necessary to protect information about Defendant Leak protected by N.C. Gen. Stat. § 160A-168. *See id.*; *see also Attachment 2* (counsel email).

The U.S. Supreme Court has recognized a common law right for the public to inspect and copy judicial records and documents. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). However, the Fourth Circuit has held that a trial court may use its supervisory powers and discretion to seal a document “if the public’s right of access is outweighed by competing interests.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) (quoting *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). In doing so, courts must “provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Ashcraft*, 218 F.3d at 302 (internal citations omitted). Defendants City and Leak have not offered this Court reasoning to accept the requested redactions beyond the limitations agreed upon by Ms. Doe, which would ensure the public has significant information except for what is directly protected under N.C. Gen. Stat. § 160A-168. Additionally, the information Defendants City and Leak seek to redact are not personal identifiers listed by the Judicial Conference in its policy on the Electronic Availability of Transcripts cited by this Court. (ECF No. 330-2.)

WHEREFORE, Plaintiff Doe request the Court deny the Defendants City and Leak motion in part to the extent their requested redactions exceed her consent, the bounds of N.C. Gen. Stat. § 160A-168 and the Judicial Conference’s Electronic Availability of Transcripts policy, and/or otherwise run afoul of the First Amendment.

This the 31st day of March 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on all attorneys of record using the Court's CM/ECF system, which will send notification of such filing to any CM/ECF participants.

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